S.B.CRIMINAL MISC. III BAIL APPLICATION NO.3575/2007

Date : 01.08.2007

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. G.M. Khan for the applicant.
Mr. Ashok Upadhyay, Public Prosecutor for State.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

This is third bail application. Earlier two bail applications were dismissed after hearing the matter on the merits of the case. There is no change in the circumstances except the change of lawyer.

The contention of learned counsel for the applicant is that the truck from which the contraband material was recovered is not in the name of the applicant. He submits that the truck was sold prior to the incident and he has no knowledge that the truck was seized and the contraband material was recovered from the said truck.

Learned Public Prosecutor has opposed the bail application and submitted that the documents available shows that the truck is still in the name of the petitioner.

I have considered the submissions made before me.

Taking into consideration the overall facts and circumstances of the present case and the fact that a bar has been created under Section 37 of the NDPS Act, therefore, I do not feel inclined to extend benefit of bail to the applicant. Accordingly, the bail application moved by the applicant under Section 439 Cr.P.C. stands rejected.

(SATYA PRAKASH PATHAK), J.

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